

REMARKS

1. Applicant believes that the drawings as originally filed are satisfactory. The article is designated as 16. The fixture is generally indicated at 20 in Figure 3. The fixture is generally indicated at 22 in Figure 4 and is formed from fixtures 22a and 22b. The single fixtures are indicated at 24a and 24b in Figure 5.

2. Applicant has amended the specification to make the designation of the article 16 consistent throughout the specification and to make the designations of the fixtures in figures 3, 4 and 6 consistent with the designations in the previous paragraph.

3. Applicant respectfully submits that the specification provides a description that is understandable to a person of ordinary skill in the art. The article 16 moves past the accelerator 12 in a direction substantially perpendicular to the direction of the radiation from the accelerator. The article 16 absorbs radiation at each position dependent upon the thickness of the article at that position. (Page 8-9 of the specification.) The fixture 20 may have characteristics, corresponding to those of the article 16, of absorbing radiation from the accelerator 12. (Page 10a, lines 7-11.) The fixture 20 is provided with a geometrical configuration in the direction of the radiation from the accelerator 12 so that the combined configurations of the article 16 and the fixture are essentially a square in section. (Page 10, lines 11-16.) In this way, every position in the article 16 receives substantially the same amount of radiation as every other position in the article as the article moves in the direction 17 past the radiation from the accelerator 12. (Page 12, lines 1-9.)

4. Claims 2, 3, 5 and 10-44 have been rejected under 35 U.S.C. 101 because the disclosed invention is allegedly inoperative and therefore lacks utility. Applicant respectfully submits that the discussion on pages 8-15 of the specification and the discussion in the previous

paragraph support the recitations in claims 2, 3, 5 and 10-44. Applicant should like to indicate to the Examiner that applicant has reduced the invention to practice in accordance with the teachings of this application. Applicant is prepared to submit a declaration to this effect to the Examiner.

5. Claims 2, 3, 5 and 10-44 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. For the reasons discussed above, the claims recite subject matter which has been so described in the specification as to enable one of ordinary skill in the art to which the subject matter pertains to make and use the invention. To quell the concerns of the Examiner, applicant's invention does not involve the application of a magnetic or electrical field that will affect the irradiation. Applicant's invention also does not obtain uniformity of irradiation in the article 16 by rotating the article or the accelerator 12.

6. Claims 1, 4 and 6-9 have been rejected under 35 U.S.C. 102(b) as being anticipated by Welt patent 5,400,382. As now written, claims 1, 4 and 6-9 are allowable over Welt for certain important reasons. In applicant's system, the radiation passing from the source 12 to the article 16 at different positions is absorbed in accordance with the irregularities in the characteristics of the article at the different positions, thereby to maintain the radiation dosage at the different positions in the article within particular minimum and maximum limits. This is recited in claims 1, 4 and 6. Welt does not absorb radiation at different positions in an article in accordance with the characteristics of the article at the different positions. Instead, Welt adjusts the positions of the articles in the direction of the rail systems 40a and 40b. See column 7, lines 10-31 in Welt.

7. Claim 7 has been amended to provide a sharp distinction over Welt. As now written, claim 7 recites the step of moving the article past the radiation from the source in a

second direction substantially perpendicular to the direction of the radiation from the source and at a particular distance from the source. There is also a recitation in claim 7 of the step of compensating, while moving the article past the radiation at the particular distance from the source, for the irregularities in the characteristics at the different positions in the article, thereby to provide a uniformity in the radiation dosage at the different positions in the article within particular minimum and maximum limits. Claims 8 and 9 are dependent from claim 7 and are accordingly allowable over Welt for the same reasons as claim 7.

8. On November 10, 2002, applicant submitted to the USPTO an information disclosure statement listing the prior art cited by the EPO in a prior art search made by the EPO. With the statement, applicant submitted copies of all of the references cited by the EPO. The Examiner has now made a recordation in this application of all but one of the prior art references cited by the EPO. The Examiner has done this by citing the references and initializing the citations. However, the Examiner has omitted one of the prior art references cited by the EPO. This reference is cited in the EPO search on the same sheet as the citation of the U.S. patent 5,394,074. Applicant would appreciate it if the Examiner would cite in the next Office Action this one remaining reference cited by the EPO search report and if the Examiner would initial this citation.


9. Applicant notes that the Examiner has not cited any prior art references against claims 2, 3, 5 and 10-44. Since these claims recite methods and apparatus which are operative and have utility and comply with the enablement requirement, reconsideration and allowance of these claims are respectfully requested.

10. It is believed that no fee is currently due in this matter. However, if a fee is due for this filing, the Commissioner is authorized to charge any fee required to Account No. 06-2425.

11. Reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,

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